

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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GENE ALLEN,

Petitioner,

v.

NEVADA, STATE OF, *et al.*,

Respondents.

Case No. 3:20-cv-00389-MMD-WGC

ORDER

Petitioner Gene Allen has submitted what he has styled a *pro se* petition for writ of habeas corpus, pursuant to 28 U.S.C. § 2254 (ECF No. 1-1). His application to proceed *in forma pauperis* is granted. The Court has reviewed the petition pursuant to Habeas Rule 4 and finds that it must be dismissed for failure to state a claim cognizable in federal habeas corpus.

This Court may entertain a petition for writ of habeas corpus “in behalf of a person in custody pursuant to the judgment of a State court only on the ground that he is in custody in violation of the Constitution or laws or treaties of the United States.” 28 U.S.C. § 2254(a). Alleged errors in the interpretation or application of state law do not warrant habeas relief. *Hubbart v. Knapp*, 379 F.3d 773, 779–80 (9th Cir. 2004).

Here, it is unclear what relief Allen seeks. He states that he challenges a “claim of fraudulent judicial practice.” (*Id.* at 2.) He also appears to seek to be transported back to Northern Nevada Correctional Center from Lovelock Correctional Center. To the extent that these might be discernible claims in any legal context, they are not cognizable in federal habeas.¹ He also seems to allege intentional infliction of emotion distress, which

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¹Allen alludes to wanting to be returned to Northern Nevada Correctional Center in order to receive “further medical treatment.” If Allen wants to allege a claim that prison personnel are acting with deliberate indifference to a serious medical need such a claim would be brought in a civil rights complaint pursuant to 42 U.S.C. § 1983.

1 is a state-law issue. Accordingly, this petition is dismissed for failure to state a claim
2 cognizable in federal habeas corpus.

3 The Court will not issue a certificate of appealability, as reasonable jurists would
4 not debate the dismissal of this petition.

5 It is therefore ordered that Petitioner's application to proceed *in forma pauperis*
6 (ECF No. 1) is granted.

7 It is further ordered that the Clerk of the Court detach and file the petition (ECF No.
8 1-1).

9 It is further ordered that the petition is dismissed for failure to state a claim
10 cognizable in federal habeas corpus.

11 It is further ordered that a certificate of appealability is denied.

12 It is further ordered that Petitioner's motion for appointment of counsel (ECF No.
13 4) and motion for an evidentiary hearing (ECF Nos. 5) are both denied as moot.

14 It is further ordered that the Clerk enter judgment accordingly and close this case.

15 DATED THIS 30th day of July 2020.

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18 MIRANDA M. DU
19 CHIEF UNITED STATES DISTRICT JUDGE
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